



Inheritance Rights And Land Ownership Among ST Women In Sikkim

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Abstract: For women from Scheduled Tribes (STs), in particular, land ownership and succession are essential to economic stability, social standing, and empowerment. The inheritance rights of ST women in Sikkim are influenced by a complicated interplay between deeply ingrained patriarchal societal norms, customary tribal laws, and statutory provisions. Women's rights to inherit property are legally recognised by legal frameworks like the Sikkim Succession Act, 2008, however their real exercise is still restricted. Male heirs are frequently given preference in customs, but limitations pertaining to marriage, tribal identification, and documentation further marginalise women. Through a survey of the literature, legal analysis, and sociocultural viewpoints, this paper critically investigates the inheritance rights and land ownership position of ST women in Sikkim. In order to guarantee significant land rights for ST women, it draws attention to the discrepancy between law and practice and makes the need for increased awareness, enforcement, and gender-sensitive reforms.

Key Words: Inheritance Rights, ST Women, Sikkim, Patriarchy, Barriers, Empowerment.

I. INTRODUCTION

India has experienced a rapid development and numerous achievements during its transformative phase, but still women remain unequal to men in terms of rights and opportunities. Women rights has always been a far dream as societal norms has always oppressed women. Giving her equal share in the land ownership will always enhance her inheritance rights. In tribal communities, land has historically been seen as an essential source of identity, power, and sustenance. In terms of Inheritance Right and land ownership mostly the ST women has faced the complex inheritance laws, balancing constitutional equality with the customary practices and norms that are often in the favour of their male counterpart (Dancer, 2017). Same is the case with the ST women of Sikkim who still has to face this complex inheritance laws and customary practices. One of the states in northeastern India is Sikkim. It is made up of a distinct socio political environment where contemporary democratic institutions, ethnic identities, and cultures coexist. In 1975, it joined the Indian Union as the 22nd state. Its population is made mostly of 6,10,5772 people, of which 47.09 percent are women (Census, 2011). While women in Sikkim enjoy comparatively higher literacy rates and social mobility than many other Indian states, deep-rooted traditions, customary laws, and patriarchal norms continue to shape their political, economic, and social status. In Sikkim, owning land is a sign of social standing and communal involvement in addition to being an economic advantage. Women's access to land is especially complicated because the state's inheritance system is governed by both statutory regulations and customary norms. An important legal endeavour to give sons and girls equal inheritance

rights is the Sikkim Succession Act, 2008 (Rai, 2016). It gave women in Sikkim equal rights under the Property Inheritance Law. This Act states that sons and unmarried girls share equally in the father's ancestral property. As observed by Rai (2016), the Act provides that when a Sikkimese male dies after its implementation, his interest in self-acquired or other property is distributed by survivorship in equal shares among his wife, sons, and unmarried daughters. Nevertheless, this act also makes reference to customs by stating that if a female heir or descendant marries someone who does not have a Sikkim Subject Certificate or COI or who has obtained foreign citizenship, the female heir or descendant shall adhere to her husband's personal law and thus shall not acquire any interest in the property Rai, 2016). This act further extends the rights of women those are widows and divorcees by mentioning that such women who is responsible for caring for the children without a source of income is entitled to an equal share of the husband's property, along with other heirs (Rai, 2016). A woman forfeits her right to a portion of her husband's property if she remarries after abandoning him, whether or not they have children. Nonetheless, the children will be entitled to their legal portion of the property (Rai, 2016).

This Act is still a bill since the government has failed to strengthen gender justice with it. In actuality, the Succession Act of 2008 would be unjust and unlawful in accordance with the Indian Constitution, which guarantees gender equality. Women would be unfairly deprived of a number of rights, including property rights, by this type of legislation. Thus, this law's progressive objective is frequently diluted by conditional stipulations, more specially with those women who marries non-Sikkimese. Statutory protections are often superseded by customary norms, clan-based authority and patriarchal inheritance system for women from Scheduled Tribes, such as the Bhutia, Lepcha, and Nepali tribes like Limboo and Tamang. Though women actively participate in agriculture, household economy and show their participation in politics. But the sad part of it is that the tribal Women are discouraged from claiming inheritance due to patriarchal customs, male-centric lineage systems, and social pressure. Because of this, ST women frequently continue to be landless even when they actively participate in domestic and agricultural chores. In order to overcome gender inequity, economic dependency, and social isolation, it is crucial to comprehend the inheritance rights of ST women in Sikkim. This study will examine the reason behind such unequal inheritance rights and land ownership among the ST women of Sikkim.

II. LITERATURE REVIEW

Feminist scholarship on land and inheritance rights consistently underscores land ownership as a critical determinant of women's social, economic, and political empowerment. Bina Agarwal's seminal work *A Field of One's Own* (1994) provides the foundational theoretical framework by establishing that women's ownership and control over land significantly enhance their economic independence, bargaining power within households, and capacity to challenge patriarchal authority. This argument is further strengthened in her later work on bargaining and gender relations (Agarwal, 1997), where she demonstrates that women's lack of property ownership weakens their negotiating position within families, rendering them dependent despite their substantial contribution to agricultural labour—an insight particularly relevant to Scheduled Tribe (ST) women in Sikkim. Complementing this perspective, Nitya Rao (2005) observes that statutory legal reforms often remain ineffective in rural India when customary norms dominate inheritance practices, a reality that mirrors the situation among tribal communities in Sikkim where customary laws frequently override formal legal provisions. Archana Parashar (2008) deepens this critique by revealing how ostensibly gender-neutral family laws conceal patriarchal biases that continue to disadvantage women in matters of inheritance. Similarly, Flavia Agnes (2011) highlights how marriage operates as a legal mechanism to restrict women's access to property, a framework that resonates strongly with the Sikkimese context where women's land rights may be curtailed upon marrying non-locals. Studies on tribal governance further reveal the structural nature of women's exclusion from land ownership. Nandini Sundar (2016) demonstrates that tribal customary systems often privilege male lineage and legitimize male control over land, marginalising women's ownership claims, while Virginius Xaxa (2014) argues that tribal women experience dual marginalisation—as women and as members of indigenous communities—making access

to land rights particularly constrained. K. G. Kannabiran (2009) underscores the disconnect between constitutional guarantees of equality and their implementation at the local level, allowing discriminatory inheritance practices to persist within customary legal systems. From a governance perspective, Kanchi Kohli and Manju Menon (2011) highlight that women's absence from land titles systematically excludes them from development benefits and decision-making processes. Intersectional analyses by Ruth Manorama (2013) further emphasize that indigenous women's land rights are shaped by the overlapping structures of gender, ethnicity, and social hierarchy, intensifying their vulnerability. Nivedita Menon (2012) adds a critical socio-cultural dimension by arguing that patriarchal norms often discourage women from asserting their legal rights, explaining the reluctance of ST women to claim inheritance even when legal avenues exist. Institutional reports reinforce these academic insights: the Planning Commission of India (2011) acknowledges that land alienation and insecure tenure disproportionately affect tribal women, while UN Women (2018) links women's land ownership to broader development outcomes and the achievement of Sustainable Development Goals. Collectively, these studies highlight that ST women's inheritance rights in Sikkim are constrained not merely by law but by a complex interplay of customary practices, patriarchal institutions, and structural inequalities.

III. RESEARCH METHODOLOGY

In order to thoroughly examine inheritance rights and land ownership among ST women in Sikkim, this study uses a mixed-methods research strategy. Constitutional clauses, pertinent court interpretations, and statutory laws like the Sikkim Succession Act of 2008 are examined using doctrinal legal analysis. This aids in comprehending the official legal status of women's inheritance rights. This technique shows how customs function in daily life.

IV. TRIBAL SOCIETIES AND CUSTOMARY LAWS IN SIKKIM

According to data from the Periodic Labour Force Survey, 18.8% of Indian officials in managing positions were women in 2020 and 18.1% in 2021. According to the survey, Sikkim has the second highest percentage of women in managing positions in 2021. As per the 2017 Ministry Panchayati Raj Report, 33% of women judges in the Supreme and high courts are from Sikkim (National Institute of Rural Development and Panchayati Raj). In the last general election of Lok Sabha of 2024, female voter turnout was more in compare to male voter turnout (79.84% of Female voter turnout compared to 66.67% Male voter turnout - Election Commission of India). The status of female in Sikkim looks better compared to other states in terms of their participation in decision making, however, the existing customary laws of the tribal society puts a barrier to the overall development of the women from their own community.

Table 1- Participation of Women in Managing Positions

Name of the State	Percentage of Women Participation
Mizoram	41.5%
Sikkim	32.5%
Manipur	31.1%
Meghalaya	30.9%
Andhra Pradesh	30.3%

Source: Ministry of Statistics and Programme Implementation

The term *tribe* is generally used to describe a group of bands or communities bound together by shared cultural similarities, common ancestry, and collective social and economic interests (Ember & Ember, 2004). India is the second most tribal nation in the world, with 8.2% of its people being tribal, according to the 2011 census. The Northeast, which includes portions of Rajasthan, Orissa, Jharkhand, West Bengal, has the highest concentrations. Northeastern areas are recognised as an indigenous population under the provisional Indian Constitution. These tribes are entitled to a self-governing system. During the period of independence, the Constituent Assembly established a distinct administration structure. Different administrative procedures were declared in the Fifth and Sixth Schedules. Additionally, specific laws have been passed that restrict the transfer of land between tribes. Women and communities have not profited from these laws. Tribal women are demanding uniform equal right by making modification in inheritance system. Garo men are also requesting inheritance rights in matrilineal civilisations.(Marak and Sharma, 2025). Tribal communities are deeply rooted in customary law. The codification of traditional rights, such as the head of the family or senior male, and the fact that few women in tribal society possess land titles or certificates. There are several locations where women must contend with traditional and customary behaviours, such as disparities in property inheritance rights across genders. Customary law governs how household property is inherited (Giovarelli, 2006). Without taking into account the evolution and history of any group, it is impossible to understand customary practices (Draft report on customary laws and usages of Bhutia community of Sikkim, 2002). As a result, it's critical to comprehend the historical background of the property rights rules and practices of the three ethnic groups in Sikkim: the Lepcha, Bhutia, and Nepalese.

Hinduism is the predominant religion in Nepalese populations, whereas Buddhism is predominant among Lepcha and Bhutia, however some also practise Christianity. Despite of the 1955 Hindu Marriage Act which too was implemented in Sikkim, customary laws still control marriage, succession, inheritance, and other matters in Sikkimese groups (GOS, 2015). However, the ethnic boundaries of various communities are defined by their own culture, religion, and language. Nepali is a common language that they can use to communicate. The Constitution has designated a number of Sikkimese tribes as Scheduled Bhutia (includes Tromop, Chumbipa, Tibetan, Dophthap, Dukpa, Kagatey, Sherpa and Yolmo) and Lepcha, Limboo, and Tamang are considered tribes (GOI, 1978, CO.111).

In Sikkim Lepchas are the original inhabitant and are referred to as Rong-pas (rong here stands for to wait or guard). Although they are primarily animist, some of them have converted to Buddhism, and somewhat more than a thousand have become Christians (Subba, 2008). Kazis and Mandals (landlords) over saw *Dzongu*, which was the Maharaja of Sikkim's private domain during the monarchy. The Chogyal (maharaja) was the ultimate owner of the land owned by the Mandal; family members were not permitted to sell their land to third parties without the mandal's approval. Times and modern developments are eroding the livelihood of Lepchas . As a result, they are referred to as a "vanishing tribe," and the state administration has designated Dzongu as a protected region for the Lepcha (Fonning, 2003). The Lepcha people had their own language and lived in a primitive state, but after the Tibetans settled there, their script vanished and their traditional system was further impacted by matrimonial relationships. The Lepcha people's culture symbolises that they are nature lovers.

Before adopting Buddhism, the Bhutia community worshipped their ancestors (Draft study on customary laws and usages of Bhutia community of Sikkim, 2002). Bhutias adhere to traditional customs and practices during marriage ceremonies, such as the parents paying the bride price (Choudhury, 2006). After leaving Tibet, the Bhutias settled in the valleys of the Lachen and Lachung rivers as well as other areas of Sikkim. These are particularly reserved places where other groups are not allowed to live or own land. The traditional administrative structure used by the residents of Lachen and Lachung villages is called dzumsa, or village council (Arora, 2006). This self-governing institution emerged in the early nineteenth century to administer social and administrative functions, as these settlements were geographically remote and

beyond the effective reach of central authority. The Dzumsa and its pipons (council heads) were formally recognised by the Sikkimese monarchs, who relied on them as instruments of delegated governance (Subba, 2008). Following Sikkim's integration into the Indian Union in 1975, the Panchayati Raj system was introduced across the state, with the exception of the villages of Lachen and Lachung. The Dzumsa system continues to function in these areas and was granted official recognition in 1985.

The general council of villagers, or dzumsa, is where the people congregate and is composed of the heads of households who oversee and plan activities in the assigned area (Sharma & Acharya, 2012). The villagers chose Pipon to lead the Dzumsa for a period of one year. Pipon and Gyapon are in charge of organising the village's major event and enforcing the community's laws and regulations. Gyapons assist pipon in their activities and are literally in charge of people. For example, in making choices, ensuring that processes function, and delivering justice to the village's residents. The Dzumsa attempts to resolve conflicts involving ancestral property or transgressions of social norms. Women are formally permitted to join the Dzumsa, but only men are eligible to become Pipon and Gyapon. Women can take part in the voting process, but they cannot become pipon. Women are not encouraged to participate in the self-governing system, and Dzumsa now has solely male delegates, which demonstrates the subordinate status of women in terms of public affairs and local governance (Bhasin, 2007).

Sherpa means easterner, indicating that people have been migrating to Sikkim from the eastern regions of Tibet since the beginning of time. They fall within the Bhutia category as well. In Tibetan, the name Sherpa signifies eastern people (Subba, 2008). Originally, they resided in the boundary areas of China's Tsing-hai Szechwan provinces (Kham Eastern part of Tibet) (ibid). According to Subba, they were forced to leave their native homeland because of internal religious strife and political-religious tensions. Their culture, language, and religion all clearly show their Tibetan ancestry. They made their home in each of Sikkim's four districts.

During the East India Company's influence, Nepalese migrated, forming a variety of clans with distinct cultures and traditions. Limboo, Rai, Manger, Newar, Tamang Brahmins, and others are among them. Gurung and Tamang are Buddhists, while Newar, Brahmins, Chettri, and Rai are Hindus. Before Prithivi Narayan Shah's Gorkha invasion in 1774, the Limboos, also called Limbus or Yakhoubas, lived in "Limbuwan," a prehistoric area (Stiller, 1968 reported by Subba, 2008,). The Limboos are descended from ancient Kiratas. These are the Kirat family's principal tribes. According to the Darjeeling District Gazetteer (1947), referenced by Subba (2008) the Tamang are a Mongolian or semi-Mongolian group who are most likely descended from Tibetan ancestry but now they have been intermixed with Nepalese race.

All the communities of Sikkim with regard to Property Inheritance Right share similar customs and practices. In the patriarchal family structure practiced by the tribal people of Sikkim, father is the ultimate decision-maker. Every one of them abides by his decision. After the father dies, the oldest son takes over as the family's head and gets all belongings. Furthermore, the land is divided between the family's two or three sons. The father or head of the family owns all property, whether it be movable or immovable (Risley, 1894). Under these circumstances, land records are maintained in the name of the male household head, and women are denied legal claims over family property (Bhasin, 2007). A woman only receives a small piece of land otherwise known as jew-ni in local language, other than that, woman is not entitled to any other land or property. Even though women can inherit property from their fathers or other family members through gifts or wills, each has its own set of rules. Bhutia-Lepcha women who marry non-Bhutia or Lepcha males lose their property rights under the Married Women Property Regulations Act of 1962 apart from personal belongings and ornaments (GOS, 2015; Baghel, 2011). Women are often allowed to stay on family property as caretakers or profit holders, retaining residence rights until the end of their lives (Bhasin, 2007).

In the majority of tribal groups, females can only receive property as a gift from their parents if they stay single. Adopted children, known as Kup-Chop or Kup-Lam, are treated in the Lepcha community in the

same way as a man's biological sons. Through a ceremony conducted by the Bongthing, a traditional priest, they can become full-fledged legal heirs (Foning, 2003). In some communities, an adopted son has the same inheritance rights as a biological heir.

V. PRIOR-MERGER PERIOD

Sikkim had no written laws before the British era. All legal and judicial authority came from the King (Chogyal), and his subjects were subject to directives that were regarded as laws (Sinha, 2005). The primary sources of laws were the King, feudal lords, and pipons, or headmen of the villages. However, a Tibetan document was the source of Sikkim's laws (Ardussi, 2011). Certain rules were put into place for the benefit of the populace thanks to British influence. Additionally, steps were taken to address any infringement on women's rights. The King had several powers throughout that time, including those of the legislative, executive, and judicial branches.

According to Chakrabarti (2012), the King was regarded as the land's owner, and with his approval, a piece of the land was leased to Kazi and Thikadars. Lastly, land was leased to tenants for agricultural purposes by Kazi and landlords. Sikkim's social and political structure underwent significant transformation as a result of the British government's gradual implementation of an administrative system. Significant shifts in ownership patterns were supported by the new settlement of land reforms. On January 2, 1897, the first Political Officer, J. C. White, issued a notice restricting the sale or sub-leasing of Bhutia-Lepcha land to outsiders. This restriction was reinforced through Revenue Order No. 1 of 1917 (Appendix II) promulgated by C. A. Bell, the Superintendent of Sikkim (Sharma, 2011). This ruling prohibits the passing of Bhutia-Lepcha land to any other individual and additionally prohibited Bhutia-Lepchas from selling, mortgaging, or subleasing land including Biyaz, Masi Kata, and Pakhuria systems to any other group without Sikkim Darbar's consent (Appendix II). In addition, Nepalese were required to pay land taxes, although Bhutia-Lepchas were exempt. The King didn't eliminate the unequal land revenue payment arrangement until August 30, 1956. Sharma (2011)

A number of land redistribution schemes were created, including the Land Back Scheme in 1966. Under this scheme, landowners made to select the plot of land they wanted for agriculture and were required to willingly give their excess land to the landless labourers (called as sukumbasis in Sikkim) (Chakraborti, 2012). Many other disparities were removed by the Government of Sikkim Act of 1974 (Chettri and Yasin, 2012).

The goals of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 (act no. 14 of 1978) were to create a new age of agrarian relations, boost productivity, and equitably distribute means of subsistence (Sharma, 2011). The Land Bank Scheme of 1995 stipulated that landowners would willingly give the government a portion of their land, which would then be given to propertyless people (Sukumbasis) (Lama, 2001, 46). However, these reforms aggressively challenged the tribal people's current protection (Majumdar, 1986) as the land rights of the Lepchas and Bhutias were protected by the Revenue Order No. 1 of 1917.

Due to the tribal status of the Lepcha and Bhutia ethnic groups, this practice persisted after Sikkim was merged with India (it was noted there that the land owned by those communities cannot be transferred to other communities) (Chakrabarti, 2012). Despite the Central Land Transfer Act's enactment in Sikkim, the previous regulations prohibiting outsiders from purchasing land owned by the Bhutia-Lepcha community remain in effect (GOS, 2015). The land rights of the Lepcha and Bhutia groups in Sikkim were thus indirectly threatened by such land reforms, which promoted the leasing system for factories and other businesses.

In 1961, Sikkim began registering documents pertaining to the transfer of real estate, and on February 25, 1961, D. Dahdul, Chief Secretary, Government of Sikkim, issued Notification O.O.No. 105/L.R. Dated Gangtok. Under this law, enacted in accordance with the Revenue Order of 1917, immovable property belonging to the Bhutia-Lepcha community could not be transferred to non-Bhutia-Lepchas, even in cases where Nepalese men married Bhutia-Lepcha women or non-Sikkimese individuals married Sikkimese women. Furthermore, non-Sikkimese persons were prohibited from acquiring any immovable property in Sikkim (Appendix III). The Married Women Property Regulation Act, which was recognised on October 12, 1962, was another significant step taken for Sikkimese women (Chamling, 2021).

This statute, which subtly deprives women of their rights, is still used to interpret Sikkimese women's rights. The artificial conflict between female equality, indigenous rights, and the maintenance of state identities is at the centre of the discussion. According to Section 4 of the Married Women Property Regulation Act, a woman who owns real estate is entitled to these rights for the rest of her life. If she marries a non-Sikkimese holder, Section 6 prohibits her spouse and their children from obtaining any interest in such property. When a Sikkimese lady who looks to be married to a non-local passes away, her Sikkimese male relatives will inherit her real estate rather than her spouse or children. Ruth Karthik Lepchani's marriage to a non-Sikkimese person is one example. Her case contested the Namgyal dynasty's laws and regulations, which were founded on discriminatory viewpoints, on the grounds of equal rights. She led the Sikkim Independent Front party, which was founded in 1966 with the primary goal of opposing Sikkim's monarchy. A. In 1967, the Sikkim Security Act led to her and her husband's detention, and the Sikkim government issued a proclamation stating that a Sikkimese woman marrying a non-subject shall automatically lose her Sikkim Subjects (Basnet, 1974,). A lady married to a non-local person was no longer regarded as a Sikkimese citizen under this proclamation. Ruth was ordered to leave Sikkim when she was freed from prison in 1969. Ruth was not regarded as the subject of the Sikkim state under the Married Women's Regulation Act of 1962. She fell prey to an outdated Sikkimese law. This demonstrates unequivocally how male hegemony and the discourse of traditional justice administration have overshadowed women's rights.

VI. AFTER-MERGER PERIOD

A critical knowledge of gender equality has resulted from the democratic system. Sikkim was made the 22nd state of the Indian Union by the Thirty-sixth Amendment Act of 1975. To address its unique needs and circumstances, new measures were added under Article 371F (Arora, 2006). The state's distinct ethnic identity and customary laws were safeguarded under paragraph (k). This article gave Sikkim a number of rights, such as local autonomy in government, restrictions on non-Sikkimese settlers and businesspeople, and unique regulations pertaining to central taxation (GOS, 2015). The land alienation of tribal communities is likewise protected by this Act. In the perspective of women's justice, this article illustrates how women must endure traditional norms and practices or else outdated laws become the cornerstone. Rules and regulations continue to shadow the administration of justice, such as the Married Women's Regulation Act of 1962. This story also demonstrates how women must endure conservative thought arising out of the patriarchal system, male-dominated households, and society.

The State of Sikkim did not implement the Married Women's Property Regulation Act, 1962, a position that stands in contradiction to Articles 14 and 15(3) of the Indian Constitution. Section 6 of the Act stipulates that if a Sikkimese woman marries a non-Sikkimese subject, her husband and children from that marriage would gain no interest in any immovable property she held in Sikkim, preventing them from inheriting it, though this regulation face legal challenges and was not fully enforced, highlighting unique historical property rights for Sikkimese women before integration with India. (Rai. 2016). One of the pillars that leads to the improvement of women's economic security, particularly for rural women, is the

empowerment of women through property rights. In this regard, the Sikkim government took the effort to empower Sikkimese women by passing the Sikkim Succession Act of 2008. It gave women in Sikkim equal rights under the Property Inheritance Law. This Act states that sons and unmarried girls share equally in the father's ancestral property. Under the provisions of this Act, upon the death of a Sikkimese male after its commencement, any interest he holds in ancestral or self-acquired property devolves by survivorship in equal shares to the surviving members of his family, including his wife, sons, and unmarried daughters. However, the Act also reflects customary influences by stipulating that a female heir or descendant who marries a person without a Sikkim Subject or who has acquired foreign citizenship shall be governed by her husband's personal law and, consequently, shall not be entitled to any interest in the property. At the same time, the Act strengthens the rights of widows and divorced women by recognising that an abandoned or divorced woman, burdened with the responsibility of caring for children and lacking an independent source of income, is entitled to an equal share in her husband's property alongside other heirs. A woman forfeits her right to a portion of her husband's property if she remarries after leaving him, whether or not they had children. Nonetheless, the children will be entitled to their legal portion of the property. Two descendants in Class I and descendant in Class II are scheduled under the Sikkim Succession Act of 2008. Although it is still a bill, the government has not implemented such measures to empower gender justice. The Succession Act of 2008's execution is at the heart of the dispute. Under the Indian Constitution, this law would be injustice based on gender equality. This resulted in legislation that would deprive women of a number of privileges, including the right to own property. Nevertheless, control over natural resources not only fosters a sense of ownership and belonging among women but also enhances their confidence and self-esteem (Chettri and Yasin, 2012).

Nonetheless, women with authority over natural resources, including property rights, are more inclined to address the issue within their families or in society at large. However, for ST women in particular, norms and traditional practices posed obstacles to obtaining property rights. The delegates of Daughters of Soil of Sikkim have complained that only women have to suffer in a male-dominated society, along with the Old Laws which solely guarantees the rights of male. Why are the indigenous citizens of Sikkim exclusively sons of Soil of Sikkim and not daughters of Soil of Sikkim? The state was emancipated from the bonds of monarchical authority, but women were still subject to outdated rules imposed by the Maharaja of Sikkim, which prevented them from enjoying their freedom with regard to property rights (Representative of Daughters of Soil of Sikkim, February 26, 2016). Only during her lifetime may a lady enjoy her possessions. Upon her death, the property devolves upon her brothers, and in the absence of surviving parents or siblings, the property ultimately vests in the State. Her children do not inherit the property.

The Home Department Sikkim Gazette No. 23/Home/2015, dated May 15, 2015, supersedes the Notification No. 120/Home/2010, although such individuals are permitted Residential Certificates and women are permitted property rights. Women are therefore not entitled to property rights under the current notification (Representative of Daughters of Soil of Sikkim, February 26, 2016). The Sikkim Succession Act 2008 was an attempt by the Sikkim government to address gender justice, particularly in relation to property inheritance rights. It made a few recommendations, including that new laws based on gender justice are necessary since Sikkimese women are dissatisfied with the discriminatory laws that already exist. It should be noted that if a mother's children do not inherit her immovable property, they would become stateless, necessitating the introduction of equal and effective legislation.

Only girls born in Sikkim who marry Sikkimese men are eligible to get a Sikkim Subject/Certificate of Identification, according to significant actions taken by the Sikkim government on November 11, 2014, in support of the rights of Sikkimese people (Sikkim Reporter, 2014; Sikkim Express, 2014). On January 27, 2015, the State Cabinet made significant moves pertaining to women's rights. In this regard, the Cabinet determined that for any type of appointment in the state government services, they have to produce a Sikkim subject certificate or certificate of identification (COI). Additionally, married ladies must present their husband's and father's certificates of identification or Sikkim subject certificates. (Sikkim Government,

February 19, 1962). Therefore, the Sikkimese women specially ST women face multiple obstacles including lack of awareness, bureaucratic hurdles in land registration, and social stigma. Claiming inheritance is often viewed as disrupting family harmony, discouraging women from asserting legal right. Secure land ownership increases access to financial resources, strengthens women's negotiating position within households, and promotes long-term economic stability. Land ownership can be revolutionary for ST women, allowing them to become economically independent and gain social acceptance.

VII. CONCLUSION

The analysis clearly demonstrates that despite the presence of constitutional safeguards and statutory provisions advocating gender equality, inheritance rights and land ownership among Scheduled Tribe (ST) women in Sikkim remain largely symbolic rather than substantive. The persistence of customary practices, patriarchal kinship structures, and community-controlled land regimes continues to undermine women's legal entitlements. As a result, the promise of equality embedded in formal law is routinely diluted at the level of social practice, producing a disjuncture between legal norms and lived realities. This divergence highlights a critical limitation of legal reform when it is not accompanied by institutional enforcement and socio-cultural transformation. While statutory laws provide ST women with a legitimate claim to land and inheritance, the lack of legal awareness, procedural accessibility, and community-level acceptance restricts their capacity to assert these rights. In many cases, women's dependence on male kin, fear of social ostracism, and reverence for customary authority compel them to relinquish legally guaranteed claims, reinforcing structural marginalisation rather than alleviating it. The study further highlights that land ownership extends beyond its economic value and functions as a critical factor shaping social standing, political participation, and bargaining power at both household and community levels. The continued exclusion of ST women from land rights therefore perpetuates multidimensional inequality, economic vulnerability, limited decision-making power, and weakened access to state welfare and development schemes. In this context, women's land rights emerge as a foundational issue for inclusive development and social justice in Sikkim. Achieving substantive equality requires a multidimensional strategy that goes beyond legislative reform. This includes strengthening implementation mechanisms, ensuring gender-sensitive interpretation of customary laws, expanding legal literacy among ST women, and fostering dialogue within tribal institutions to challenge entrenched patriarchal norms. State agencies, civil society organisations, and local governance structures must collaboratively work to reconcile customary practices with constitutional provision of equality and fair treatment. In conclusion, empowerment of ST women in Sikkim is intrinsically linked to the recognition and enforcement of their land and inheritance rights. Without addressing the structural and cultural barriers that inhibit women's access to land, legal equality will remain aspirational rather than transformative. Strengthening women's land rights is therefore not only a question of gender justice but also a prerequisite for sustainable development, democratic participation, and social equity in tribal societies.

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